

7 FAM 570 RAILROAD RETIREMENT BOARD

(CT:CON-407; 06-29-2012)
(Office of Origin: CA/OCS/L)

7 FAM 571 SUMMARY

(CT:CON-388; 10-19-2011)

The U.S. Railroad Retirement Board's (RRB) mission is to administer retirement/survivor and unemployment/sickness insurance benefit programs for railroad workers and their families under the Railroad Retirement Act and the Railroad Unemployment Insurance Act. These programs provide income protection during old age and in the event of disability, death, temporary unemployment, or sickness. The RRB also administers aspects of the Medicare program and has administrative responsibilities under the Social Security Act and the Internal Revenue Code.

7 FAM 572 AUTHORITIES

(CT:CON-169; 05-22-2007)

Legal authority for services related to the Railroad Retirement Board include:

- (1) 22 U.S.C. 3904 (3) (Functions of Service);
- (2) 45 U.S.C. 209 (Chapter 9 Retirement of Railroad Employees); and
- (3) 45 U.S.C. 351 - 369 (Chapter 11 Railroad Unemployment Insurance).

7 FAM 573 ROLE OF THE CONSULAR OFFICER

(CT:CON-169; 05-22-2007)

Federal law mandates entitlement to Federal benefits. Each Federal benefits-paying agency establishes policies and procedures under which the laws are administered. When policies and procedures are applied outside the United States, consular assistance is required.

7 FAM 574 ROLE OF CA/OCS/L

(CT:CON-407; 06-29-2012)

- a. The Office of *Legal Affairs*, in the Directorate of Overseas Citizens Services, Bureau of Consular Affairs (*CA/OCS/L*) is the Department's liaison with the RRB and other benefits-paying agencies and consular posts abroad as well as with members of the public and Congress. *CA/OCS/L* provides guidance, disseminates information and implements new programs and procedures at the RRB's direction.
- b. *CA/OCS/L* shares the administrative and managerial responsibilities with the RRB and other Federal benefits-paying agencies for the federal benefits programs abroad to ensure efficient and fraud-free payment of benefits as well as the provision of services.
- c. Consular officers may send questions about your responsibilities regarding the Railroad Retirement Board benefits program to *CA-OCS-L-FederalBenefits@state.gov*.

7 FAM 575 LIMITATIONS ON CONSULAR OFFICERS REGARDING RRB WORK AND DISCLOSURE OF INFORMATION (PRIVACY ACT)

(CT:CON-169; 05-22-2007)

- a. Information contained in a name-retrievable system of records concerning a claimant of railroad retirement benefits may not be disclosed except:
 - (1) As expressly authorized by the RRB;
 - (2) By written authorization by the individual who is the subject of the record; and
 - (3) In accordance with the 12 exceptions to the conditions of disclosure in the Privacy Act, as amended (5 U.S.C. 552a(b)(1) - (12), see the CA/OCS Intranet Privacy Act Feature.
- b. Any unauthorized disclosure is subject to criminal penalties pursuant to 5 U.S.C. 552a (Privacy Act, as amended).

7 FAM 576 DEFINITIONS

(CT:CON-169; 05-22-2007)

- a. Annuity. A monthly railroad retirement benefit payment.
- b. Railroad employer. An interstate railroad or affiliate engaged in railroad-connected operations. Employer associations, national railroad labor organizations, and subordinate units are also railroad employers.

- c. Railroad employee. Any person in the service, for compensation, of 1 or more of the Nation's railroad employers including an officer of such employer.

7 FAM 577 INQUIRIES ABOUT BENEFITS

(CT:CON-169; 05-22-2007)

- a. Although the RRB has other regional offices, they prefer that all inquiries from abroad be sent to the following address:

Railroad Retirement Board
844 N. Rush Street, Room 901
Chicago, IL 60611
Telephone: 312-751-4500
FAX: 312-751-7136
E-mail: Chicago@rrb.gov

- b. Posts in Mexico and Canada should send their inquiries to the field office currently assigned to your post. However, if you are unsure of that address, send your inquiry to the address above and they will provide assistance.

7 FAM 578 APPLYING FOR AND RECEIVING RRB BENEFITS WHEN LIVING ABROAD

7 FAM 578.1 Applying for Benefits

(CT:CON-388; 10-19-2011)

- a. Individuals inquiring about benefits for the first time or beneficiaries seeking information about a case should be advised to write to:

Railroad Retirement Board
844 N. Rush Street, Room 901
Chicago, IL 60611
FAX: 312-751-7136
E-mail: chicago@rrb.gov

- b. Applicants should:
 - (1) Clearly print their full name, Social Security number (SSN), and current mailing address. If the inquirer is not the railroad employee, they must include the railroad employee's SSN;
 - (2) State the reason for the inquiry clearly; and

- (3) Include all necessary dates in this format: (month/day/year, e.g., May 24, 1941).

c. Medical Examination:

- (1) When a medical examination is required, the RRB informs the consular officer by letter, RRB Form RL-259 (Embassy Request for Medical Examination). (This is an internal RRB form sent by RRB to applicants/posts when applicable) The consular officer should promptly arrange for the examination by a qualified physician; and advise the applicant of the time and place of the appointment. Promptly return the completed examination form to:

<p>Railroad Retirement Board 844 N. Rush Street, Room 901 Chicago, IL 60611 FAX: 312-751-7136</p>

- (2) Allowable fees for the medical examination are authorized and specified in the RRB requesting letter. The post makes the payment and reflects the expenditure in the regular monthly account, as required by 4 FAH-3 H-434.
- (3) If the consular officer is unable to make the appointment within 60 days, report all the pertinent facts and identifying data to the RRB.

7 FAM 578.2 Options Available for Receiving Benefit Checks

(CT:CON-388; 10-19-2011)

- a. Railroad beneficiaries residing in foreign countries receive their payments by U. S. Treasury checks issued by the Philadelphia Regional Financial Center. They are forwarded to the Department and dispatched to posts via priority mail or direct mail.
- b. Railroad beneficiaries can now receive their payments through the International Direct Deposit (IDD) program. IDD is a program service provided by the U.S. Department of the Treasury's International Treasury Services. In order to participate in the IDD program, the country of residence must meet certain eligibility requirements set by the Federal Reserve Bank of New York. See the list of IDD countries for a list of countries that currently meet these eligibility requirements.
- c. Benefit recipients living in an eligible country must complete International Direct Deposit Form OF-1199-I, which must also be signed by a bank official. The form can be downloaded from the Railroad Retirement Board Web site. In addition to providing the bank code, branch code and bank

account number, it is important that the annuitant indicate the account type: savings or checking, and whether the account is an individual or joint account. For joint accounts, the other holder(s) of the account must also sign the form. The completed form is to be mailed or faxed to the RRB Direct Deposit Specialist:

Railroad Retirement Board
Attn: Direct Deposit Specialist
844 N. Rush Street, 11th Floor
Chicago, IL 60611
Fax: 312-751-7157

7 FAM 578.3 If a Benefit Check/Bulk Shipment Is Not Received

(CT:CON-388; 10-19-2011)

- a. Consult 7 FAM 520.
- b. The consular officer needs to inform the RRB of the following:
 - (1) Name and current address of the beneficiary;
 - (2) Beneficiary's claim number; and
 - (3) Date of check (e.g. January 2, 2007).
- c. It is important to note that if the address has changed since the previous check was issued, the RRB will input the new address and when the replacement check is issued, the RRB will send it to the corrected address.
- d. What you should do for bulk shipments:
 - (1) Verify that a payment has been issued with the check list enclosed in the bulk shipment;
 - (2) Allow a minimum of 10 calendar days after the date of payment/shipment to elapse; and
 - (3) Consult 7 FAM 520.
- e. If an individual check is missing notify the RRB at:

Railroad Retirement Board
844 N. Rush Street, Room 901
Chicago, IL 60611
FAX: 312-751-7136
E-mail: Chicago@rrb.gov

- f. The RRB will notify Treasury to investigate the status of the missing check. (See 7 FAM 520).

g. What the claimant should know:

- (1) If the Department of Treasury finds no indication that the check has been negotiated, they will issue a courtesy replacement check. (It will take up to four weeks or more to replace a current month non-negotiated check.);
- (2) If the Department of Treasury determines that the missing check was actually negotiated, they will send the payee an image of the check and a claims package that includes the Form FMS-1133, Claim Against the United States for the Proceeds of a Government Check;
- (3) If the payee agrees that he or she did in fact sign the check, no further action is necessary. (This usually takes six weeks to provide.); and
- (4) If the payee alleges that he/she did not endorse the check and forgery is alleged, the payee must complete the Form FMS-1133, Claim against the United States for the Proceeds of a Government Check, and return it to the Department of Treasury at the address provided. Upon receipt of the claim form, the Department of Treasury will adjudicate the claim. If forgery is determined, a settlement check is authorized to the payee or a transfer is authorized to the agency. (Forgery investigations usually take about one year. In most cases, however, the Department of the Treasury will settle with the beneficiary out of the Check Forgery Insurance Fund while continuing the investigation.)

Note: Once a replacement check has been requested, under no circumstances should the beneficiary cash both the original and replacement checks. One of the checks must be returned to the Department of Treasury. If both checks are cashed, an overpayment will be created and benefits will be withheld from a future check.

7 FAM 578.4 Reporting a Change of Address, Death, Marriage, Divorce, etc.

(CT:CON-388; 10-19-2011)

- a. The beneficiary must report changes of address, death, marriage, divorce, and any other event that could have an effect on the payment of benefits to:

Railroad Retirement Board
844 N. Rush Street – Room 901
Chicago, IL 60611

FAX: 312-751-7136
E-mail: Chicago@rrb.gov

- b. The beneficiary must inform RRB of the following:
- (1) Name and current address of the beneficiary;
 - (2) Beneficiary's claim number;
 - (3) Event, e.g., death, marriage, divorce, etc.; and
 - (4) Date of the event.

7 FAM 579 ANTIFRAUD ENFORCEMENT PROGRAM

(CT:CON-388; 10-19-2011)

In addition to relying on beneficiaries to report events that may affect their benefits (see 7 FAM 578.4), RRB contacts representative payees for beneficiaries outside the United States every three years to verify their current status. The Enforcement Program was established to:

- (1) Ensure that beneficiaries are still living;
- (2) Determine whether any unreported events have occurred that could result in the suspension or termination of their benefits and remind beneficiaries and representative payees to report such events promptly; and
- (3) Obtain an annual accounting from all representative payees.

7 FAM 579.1 Role of the Consular Officer

(CT:CON-169; 05-22-2007)

- a. Generally, consular officers are not directly involved in the receipt or control of the forms beyond your responsibility for mailing the preaddressed questionnaires to the representative payee.
- b. Some representative payees may require assistance (language, age or distance) in completing and signing the questionnaire. In addition, you need to be mindful of the potential for fraud and do whatever you can to ensure that the benefit is going to the people who are entitled to receive it. That may mean verifying that all questionnaires are distributed, all responses are processed, and all non-responses are investigated promptly. If benefits have already been stopped, when a beneficiary seeks assistance, advise your Regional Federal Benefits Officer or the RRB.

7 FAM 579.2 Investigation Questionnaire

(CT:CON-388; 10-19-2011)

- a. The RRB Form G-99-A, Representative Payee Report questionnaires are usually sent in June to posts abroad. (This is an internal RRB form sent by RRB to applicants/posts when applicable.) The representative payee is asked to complete a questionnaire every three years. Responses are due within 30 days.
- b. If a representative payee has not returned the questionnaire within 30 days, the RRB sends a second notice and a second questionnaire. The follow-up notice advises the representative payee that benefits will be suspended if RRB does not receive a completed questionnaire within 15 days. Consular officers may be asked to conduct an investigation at that time. Should this occur, you would receive RRB Form G-99-C, Representative Payee Evaluation Report, to use in conducting interviews with the representative payee.